



State of Utah

Department of  
Environmental Quality

Dianne R. Nielson, Ph.D.  
*Executive Director*

DIVISION OF SOLID AND  
HAZARDOUS WASTE  
Dennis R. Downs  
*Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY HERBERT  
*Lieutenant Governor*

December 7, 2005

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Shawn Raju  
General Manager  
Clean Harbors Aragonite, LLC  
P.O. Box 22890  
Salt Lake City, Utah 84122-0890

**SUBJECT: NOTICE OF VIOLATION No. 0512039**  
UTD981552177

Dear Mr. Raju:

During October 2004 through September 2005, representatives of the Utah Division of Solid and Hazardous Waste conducted compliance inspections of the Clean Harbors Aragonite, LLC facility. The enclosed NOTICE OF VIOLATION is based on findings documented during those inspections.

You are hereby requested to submit to this office on or before January 13, 2006, written verification that the violations noted therein have been corrected. This notification should include an explanation of the steps taken to correct the problems and the corrective actions implemented to ensure that these violations do not recur.

If you have any questions, please contact Rick Page at 801-538-6170.

Sincerely,

**ORIGINAL DOCUMENT SIGNED BY DENNIS R. DOWNS ON 12/07/05**

Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board

DRD/RAP/ts

Enclosures

c: Myron Bateman, E.H.S., M.P.A., Health Officer, Tooele County Health Department  
Eric Johnson, U.S. EPA, Region VIII, ENF-RC

## BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the Matter of:	:	<u>NOTICE OF VIOLATION</u>
	:	
Clean Harbors Aragonite, LLC	:	<u>No. 0512039</u>
UTD981552177	:	
	:	

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This **NOTICE OF VIOLATION** is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Solid and Hazardous Waste Act (the Act), Section 19-6-101, et seq., Utah Code Annotated 1953, as amended (UCA). The Board has delegated to the Executive Secretary authority to issue such **NOTICES** in accordance with Section 19-6-112 of the Utah Code Annotated and R315-2-14(b) and R315-12-2.2(a) of the Utah Administrative Code (the Rules).

### FINDINGS

1. Clean Harbors Aragonite, LLC is a commercial hazardous waste incinerator, transfer station, and storage facility in Tooele County, Utah. Clean Harbors Aragonite, LLC operates the Aragonite facility under the provisions of the State-issued Hazardous Waste Part B Permit issued to Aptus on March 30, 1990 (renewed and reissued to Safety-Kleen (Aragonite), Inc. effective May 8, 2000), as modified (the Permit) on file with the Utah Department of Environmental Quality, Division of Solid and Hazardous Waste (the Division).
2. Clean Harbors Aragonite, LLC generates listed and characteristic hazardous waste as defined by R315-2 of the Rules.
3. Clean Harbors Aragonite, LLC is subject to all applicable provisions of the Rules, the Act, and the Permit.
4. Authorized representatives of the Utah Solid and Hazardous Waste Control Board (inspectors) conducted hazardous waste inspections at the Aragonite facility during October 2004 through September 2005.
5. The Executive Secretary of the Utah Solid and Hazardous Waste Control Board issued a Notice of Violation and Compliance Order (No. 0405013) to Clean Harbors Aragonite, LLC on February 4, 2005 (NOV/CO). Order number three of the NOV/CO specified that Clean Harbors Aragonite, LLC must immediately initiate a procedure to record and preserve the history of a container before that container is "untracked" in the waste tracking system.

During an inspection of the facility on March 21, 2005, the following was documented. Aragonite had not been recording and preserving the history of containers in the waste tracking system before “untracking” them as required in the February 4, 2005 NOV/CO.

6. Condition 3.B.6. of the Permit requires that Clean Harbors Aragonite, LLC comply with the provisions of Attachment 8 of the Permit. Section 1.2 of Attachment 8 requires that wastes to be rejected not remain on site for longer than 30 days. It also specifies that the location of all rejected wastes will be tracked in the computerized waste tracking system and that the waste tracking system will clearly show that the material is to be rejected and when this determination was made.

During an inspection of the facility on December 8, 2004, the following was documented. The manifest for 4496258 indicated that it was rejected to an alternate facility on November 19, 2003. It was not shipped from Aragonite until July 19, 2004.

During an inspection of the facility on December 14, 2004, the following was documented. There were several drums in E1 row J that had orange rejected labels. Many of them were not identified as rejected in the waste tracking system.

During inspections of the facility on January 25 and February 2, 2005, the following was documented. The reject report produced by the waste tracking system had been revised and the reject date for all of the rejects that had been shipped off in 2004 was updated to January 2005. It was believed that the actual reject dates could be retrieved from the document folders. However, the reject date could not be determined from the document folders, or from any other source, for many of the drums on the reject report.

During an inspection of the facility on February 2, 2005, the following was documented. There were several drums that were received at Aragonite and rejected in January (e.g., 6100911, 6052570, 6052571, and 6076056). The waste tracking history for these drums showed that they were never at Aragonite and did not indicate anything about them being rejected.

7. R315-3-3.34 of the Rules, which incorporates 40 CFR §262.34 by reference, allows generators to accumulate hazardous waste in containers on site for up to 90 days provided the date upon which each period of accumulation began is clearly marked on each container; each container is clearly marked with the words “Hazardous Waste” and the generator complies with the applicable requirements in Subpart I of 40 CFR part 265. 40 CFR §265.173 in Subpart I requires that a container holding hazardous waste must always be closed except when it is necessary to add or remove waste.

During an inspection of the facility on November 3, 2004, the following was documented. There were two buckets of strainer waste in the drive through direct burn area. One was not covered. Neither had dates or labels.

During an inspection of the facility on June 8, 2005, the following was documented. There was a container of hazardous waste in the drive through direct burn station that had no lid, label, or date.

8. Condition 3.D.15. of the Permit requires that containers be stacked neatly and in a manner that will not cause them to fall or leak.

During an inspection of the facility on December 14, 2004, the following was documented. The pallet of drums in E3-A05-L2 was not stable. One of the drums fell from the pallet and began to leak.

9. Condition 3.D.13. of the Permit requires Clean Harbors Aragonite, LLC to record the location of each container in the container storage areas and to maintain a history of the movement of each container from the time it is placed into the container management areas until it is either incinerated or manifested off-site. It also requires Clean Harbors Aragonite, LLC to comply with the waste tracking provisions of Attachment 8. Section 5 of Attachment 8 specifies that the wastes will be tracked in real time so that their location is known at any time.

During an inspection of the facility on October 12, 2004, the following was documented. Drum 4477018 was located in E1-J2. The waste tracking system showed that it was landfilled at the Grassy Mountain facility.

During an inspection of the facility on October 12, 2004, the following was documented. There were three drums in E1-J2 that did not show in waste tracking (5119460, 4832581, and 5311375).

During an inspection of the facility on October 12, 2004, the following was documented. There were 14 boxes in E1-J1 (5687822 – 5687835). Waste tracking showed them in E1-B1.

During an inspection of the facility on October 20, 2004, the following was documented. The waste tracking area list showed containers 5175646 and 5737374 in RCON. The waste tracking history showed that they had been incinerated.

During an inspection of the facility on October 26, 2004, the following was documented. Waste tracking showed that container 5202615 was in E4-K2-L1. There is no row K in building E4.

During an inspection of the facility on October 26, 2004, the following was documented. Waste tracking showed three drums in E4 row S. There were none there.

During an inspection of the facility on October 26, 2004, the following was documented. Waste tracking showed four drums in REPACK. There were none there.

During an inspection of the facility on October 26, 2004, the following was documented. Waste tracking showed ten drums in E4 row N. Four of them were not there.

During an inspection of the facility on October 26, 2004, the following was documented. Waste tracking showed two drums in DC-1. There were none there.

During an inspection of the facility on November 3, 2004, the following was documented. At the end of each month, Aragonite conducts an inventory of the containers at the site.

There were several containers that waste tracking indicated should be on site but were not found. Aragonite updated the waste tracking system to show that these containers had been incinerated. There was no documentation that indicated that these containers were actually incinerated, or, if they were incinerated, that the date and time of incineration indicated by waste tracking were correct.

During an inspection of the facility on November 22, 2004, the following was documented. Waste tracking showed that container 5175646 was in RCON. It also showed that it was incinerated on May 4, 2004.

During an inspection of the facility on November 22, 2004, the following was documented. Waste tracking showed that 5978566 was in BZSHRED. It also showed that the drum had been crushed.

During an inspection of the facility on November 22, 2004, the following was documented. There were four drums on the breezeway that had been created from repacking drums 5058008 and 5058009. They had been repacked on November 17, 2004. Waste tracking did not yet show them repacked.

During an inspection of the facility on November 22, 2004, the following was documented. Container 5558528 was in the breezeway. Waste tracking showed it in ABC.

During an inspection of the facility on December 2, 2004, the following was documented. Waste tracking showed that propane cylinders 5972256 and 5972249 were incinerated on November 30, 2004 at 18:33. There are no cylinder feed logs for November 30, 2004 and PI shows that no compressed gasses were fed that day.

During an inspection of the facility on December 8, 2004, the following was documented. Waste tracking showed that container 6104309 was in E5-Q1. It was not there.

During an inspection of the facility on December 8, 2004, the following was documented. Waste tracking showed that container 5994701 was in E5B1-A04-L1. It was not there.

During an inspection of the facility on December 8, 2004, the following was documented. Waste tracking shows that container 6104309 was received on January 5, 2004. It was not entered into waste tracking until December 1, 2004.

During an inspection of the facility on December 14, 2004, the following was documented. Container 4725912 was located in E5B6-B05-L1. Waste tracking said that it was not at Aragonite.

During an inspection of the facility on December 16, 2004, the following was documented. Waste tracking showed that container 5809645 was in E4-J5-L1. It was not there.

During an inspection of the facility on December 16, 2004, the following was documented. Waste tracking showed that container 4976535 was in E2-G04-L1. It was not there.

During an inspection of the facility on January 19, 2005, the following was documented. There were two containers in E1 row Q that were not in the waste tracking inventory (5359238 and 4477018).

During an inspection of the facility on January 19, 2005, the following was documented. Containers 6171529 and 6159736 were in the wrong location in waste tracking.

During an inspection of the facility on February 2, 2005, the following was documented. Waste tracking showed that container 6260769 was in E5B1-A02-L1. It was not there.

During an inspection of the facility on February 2, 2005, the following was documented. Waste tracking showed 6200970 in Workstation 1 of building E2. It was not there.

During an inspection of the facility on February 2, 2005, the following was documented. Container 6370866 was in E1-K2 but was not on the waste tracking inventory for E1, row K.

During an inspection of the facility on February 2, 2005, the following was documented. Containers 4477018 and 5359238 were in E1-M2 but were not on the waste tracking inventory for E1, row M.

During an inspection of the facility on February 2, 2005, the following was documented. There were seven containers on the inventory for E1, row M that were not there (6154227, 5770764, 6190677, 5288325, 5288326, 6006370, 6074516).

During an inspection of the facility on February 2, 2005, the following was documented. Containers 6287963, 6265583, 6265589, 6265590, 6176050, 6206363, 6265582, 6145607 were on the inventory for BZSHRED. There were no containers in that location.

During an inspection of the facility on February 2, 2005, the following was documented. There were at least six containers in E6, rows A and B that were not on the waste tracking inventory.

During an inspection of the facility on February 8, 2005, the following was documented. The WinWeb inventory did not have the correct locations for at least seventeen containers.

During an inspection of the facility on February 15, 2005, the following was documented. The waste tracking system indicated that container 6269561 was in E4-DC1-4-L1. It was not there.

During an inspection of the facility on February 15, 2005, the following was documented. The waste tracking system indicated that 6282705 and 6351433 were in DECANT. They were not there.

During an inspection of the facility on February 15, 2005, the following was documented. Item 6429886 was placed in tank T403 on February 8, 2005. The transfer was not noted in the waste tracking system.

During an inspection of the facility on March 15, 2005, the following was documented. WinWeb showed that container 6475731 was in E5-A1. It was not there.

During an inspection of the facility on June 14, 2005, the following was documented. Drum 6846473 was located in E3-K2-L1. It did not show up on the building inventory and waste tracking showed that it was decanted and incinerated.

During an inspection of the facility on August 15, 2005, the following was documented. Waste tracking showed that 7168029 and 7168077 were in E5-D2. They were located in A01-02.

10. Condition 3.D.21. of the Permit requires that prominent warning signs be placed on, or adjacent to, the exterior doors of infectious waste storage areas. The warning signs are to contain the international biohazard sign and state: CAUTION – INFECTIOUS WASTE STORAGE AREA – UNAUTHORIZED PERSONS KEEP OUT.

During an inspection of the facility on March 15, 2005, the following was documented. There were no warning signs on, or around, the refrigerated unit storing infectious waste.

11. Condition 3.D.22. of the Permit requires that if infectious waste is on site for longer than seven days, it shall be stored at or below 40 degrees Fahrenheit.

During an inspection of the facility on January 11, 2005, the following was documented. During the period from May to December 2004, there were at least 67 drums of infectious wastes that were stored longer than seven days without being refrigerated before they were incinerated.

During an inspection of the facility on March 30, 2005, the following was documented. The infectious waste in container 6568696 was not burned within seven days and was not refrigerated.

During an inspection of the facility on May 5, 2005, the following was documented. On May 3, 2005, there were 110 containers of infectious waste that had been on site for longer than seven days without being refrigerated.

12. Condition 3.D.23. of the Permit requires that infectious waste be incinerated as soon as possible, but not to exceed 30 days after collection from the generator.

During an inspection of the facility on January 11, 2005, the following was documented. During the period from May to December 2004, there were at least 12 drums that took longer than 30 days from the date the generator shipped them until they were incinerated.

13. Condition 2.D. of the Permit requires Clean Harbors Aragonite, LLC to comply with the waste analysis procedures specified in Attachment 1. Section 3.9.1. of Attachment 1 specifies that infectious waste be identified by using the D20, D20A, or D20T process code.

During an inspection of the facility on January 25, 2005, the following was documented. There were at least 286 repacks (from 33 original containers) of medical waste that were

incorrectly coded when they were repacked.

14. Condition 2.D. of the Permit requires Clean Harbors Aragonite, LLC to comply with the waste analysis procedures specified in Attachment 1. Section 3.4.3. of Attachment 1 specifies that the characterization of debris for incineration parameters will be done using an estimate of the percentages of each type of material in the waste and a matrix that lists the various materials and the corresponding incineration parameters for each of these materials.

During an inspection of the facility on October 26, 2004, the following was documented. There was no debris matrix for container 5658076.

15. Condition 2.D. of the Permit requires Clean Harbors Aragonite, LLC to comply with the waste analysis procedures specified in Attachment 1. Section 3.3.3. of Attachment 1 specifies that the for the characterization of waste that inhibits analysis, additional information specific to the waste stream (e.g., metals contamination) be obtained from the profile information and factored into the calculation. It also specifies that the documentation showing this calculation be maintained in the operating record.

During an inspection of the facility on October 26, 2004, the following was documented. A drum was manifested to Aragonite as waste mercuric chloride (5708926) and contained small plastic vials of mercuric chloride. The waste was characterized as waste that inhibits analysis. It was high subcategory mercury fixative that was to be repackaged at Aragonite into smaller charges. The incineration parameters used for the drum included a mercury concentration of <0.06 ppm. There was no documentation justifying the mercury value of <0.06 ppm (or any of the other incineration parameters).

16. Condition 2.D. of the Permit requires Clean Harbors Aragonite, LLC to comply with the waste analysis procedures specified in Attachment 1. The Waste Analysis Plan (WAP) in Attachment 1 outlines the different types of wastes and waste matrices that may be encountered and specifies the waste characterization procedures to be followed for each waste type. Section 3.0. of Attachment 1 specifies that Aragonite will clearly document the waste characterization procedure from the WAP which applies to each waste stream accepted at the facility.

During an inspection of the facility on October 20, 2004, the following was documented. There was no characterization code on the *Inspection Report by Manifests or Load* for drum 5890570.

During an inspection of the facility on October 26, 2004, the following was documented. There was no waste characterization code for infectious waste on the *Inspection Report by Manifests or Load*.

17. Condition 2.D. of the Permit requires that Clean Harbors Aragonite, LLC comply with the waste analysis procedures found in Attachment 1 of the Permit. Section 15.0 of Appendix 1 to Attachment 1 specifies that the Laboratory Quality Control Officer prepare a quality assurance report every four months for the Laboratory Manager.

During an inspection of the facility on July 19, 26, 27, and 28, 2005, the following was documented. The last three requested quality assurance reports had not been prepared. In fact, there was no Quality Control Officer and the functions of that position were being filled by the Laboratory Manager, negating the independence of the quality assurance function.

18. Condition 2.D. of the Permit requires Clean Harbors Aragonite, LLC to comply with the waste analysis procedures specified in Attachment 1. Table 4 in Section 5.0 of Attachment 1 specifies SW-846 Method 1311 for TCLP analysis. A temperature of  $23 \pm 2$  °C is specified in Method 1311 for the ambient temperature during extraction.

During an inspection of the facility on July 19, 26, 27, and 28, 2005, the following was documented. The TCLP room temperature was not being documented to show that the TCLP was being conducted according to the method.

19. Condition 3.B.6. of the Permit requires Clean Harbors Aragonite, LLC to comply with the provisions specified in Attachment 8. Section 5 of Attachment 8 requires that a barcode label be affixed to each container. It also requires that the barcode be unique.

During an inspection of the facility on November 22, 2004, the following was documented. There were four drums on the breezeway that had been created from repacking drums 5058008 and 5058009. They had been repacked on November 17, 2004. They did not have barcodes.

During an inspection of the facility on December 16, 2004, the following was documented. There was a drum in E4-J2-L2 that had two barcodes (6163187 and 5913848).

During an inspection of the facility on January 11, 2005, the following was documented. There were two drums in E1-K1 that did not have barcodes.

During an inspection of the facility on January 19, 2005, the following was documented. There were three containers in E1 row Q that did not have barcodes.

During an inspection of the facility on February 2, 2005, the following was documented. There were five containers in E1-M1 that did not have barcodes.

During an inspection of the facility on February 2, 2005, the following was documented. There were two containers in E1-M1 that did not have barcodes.

During an inspection of the facility on April 11, 2005, the following was documented. There were two different containers with the barcode number of 6357245 (one in E1-K4 and the other in E2-B2-L1).

20. Condition 3.B.6. of the Permit requires Clean Harbors Aragonite, LLC to comply with the provisions specified in Attachment 8. Section 5 of Attachment 8 specifies that wastes which have not yet been accepted at the facility are to be stored only in the receiving areas (floor areas of Buildings E-1 and E-5 and Bays 1 and 6 when in receiving mode) or temporarily in the A rows of Buildings E-2, E-3, E-6, and E-7.

During an inspection of the facility on March 15, 2005, the following was documented. Container 6483001 was being stored in WS2 but had not yet been accepted.

21. Condition 5.A.6. of the Permit requires Clean Harbors Aragonite, LLC to comply with the provisions specified in Attachment 14. Section 2.0 of Attachment 14 specifies that during backup operations the bulk solids building, shredder, and small sludge tank will be vented to the carbon adsorption system.

During an inspection of the facility on October 6, 2004, the following was documented. The incinerator was shut down for maintenance activities and the vent from the bulk solids building, shredder, and small sludge tank were being directed to the east backup carbon bed. However, the outlet damper on the east backup carbon bed was closed, preventing the ventilation of the bulk solids building, shredder, and small sludge tank to the carbon adsorption system.

22. Condition 3.B.6. of the Permit requires that Clean Harbors Aragonite, LLC comply with the provisions of Attachment 8 of the Permit. Section 6 of Attachment 8 outlines the requirements for complying with the air emission standards for equipment leaks. It specifies that Aragonite maintain a database of all required equipment, drawings that show the approximate location of each piece of equipment, and that all equipment be marked with a tag containing a unique equipment identification number.

During an inspection of the facility on July 5, 2005, the following was documented. The equipment database included DE-MV006 and DE-MV007. They were not on drawing D-034-BB-302. Several equipment tags were missing on the two areas inspected (DE-F001, DE-F004, DE-F005, SAB-UN001, SAB-AV001, SAB-AV002, SAB-F006, SAB-F007, and SAB-MV009). The tag for DE-F006 was in the wrong place. The flange where it was located wasn't on drawing D-034-BB-302. The tags for DE-F008 and DE-F009 were switched. The equipment list did not include the pressure relief valve PSV3021. It also did not include the sampling connection system located by SAB-UN001 (it was also not shown on drawing D-800-BB-107).

23. Condition 2.I. of the Permit specifies that Clean Harbors Aragonite, LLC shall maintain the emergency equipment and systems, and follow the procedures in Attachment 5. Section 3.0 of Attachment 5 specifies that fire extinguishers will be maintained as necessary to assure their proper operation in time of emergency.

During and inspection of the facility on September 21, 2005, the following was documented. The fire extinguisher at the vanilla station was missing.

24. Condition 2.J. of the Permit specifies that Clean Harbors Aragonite, LLC comply with the procedures in Attachment 6. Section 6.0 of Attachment 6 specifies that in order to protect the facility from the possibility of range fires, a firebreak will surround the entire facility. Section 4.0 of Attachment 6 and drawing D-034-M005 designate two emergency evacuation exits on the south fence of the facility.

During an inspection of the facility on April 26, 2005, the following was documented. Tumbleweeds were blocking both emergency exits on the south fence of the facility. They were also piled up across firebreaks.

25. Condition 2.E. of the Permit specifies that Clean Harbors Aragonite, LLC comply with the conditions and procedures in Attachment 2. Section 4.0 of Attachment 2 specifies that signs reading: DANGER – UNAUTHORIZED PERSONNEL KEEP OUT, legible from 25 feet, will be placed at a minimum of every 200 feet on the perimeter fence.

During an inspection of the facility on April 26, 2005, the following was documented. Some of the required signs on the south fence were either missing or obscured by tumbleweeds.

26. Condition 4.D.5. of the Permit requires that Clean Harbors Aragonite LLC maintain the level of the small sludge tank (T-406) below the compliance limit specified in Attachment 9.

On June 8, 2005, Clean Harbors Aragonite, LLC notified the Division that on May 31, 2005, the small sludge tank, T-406, was filled above the compliance limit.

### **DETERMINATION OF VIOLATIONS**

Based on the foregoing **FINDINGS**, Clean Harbors Aragonite, LLC has violated provisions of the Rules, the Act, the Permit, and the NOV/CO applicable to its facility. Specifically, Clean Harbors Aragonite, LLC has violated the following:

1. Order number three of the NOV/CO by failing to immediately initiate a procedure to record and preserve the history of a container before that container is “untracked” in the waste tracking system.
2. Condition 3.B.6. and Section 1.2 of Attachment 8 of the Permit by holding rejected wastes on site for longer than 30 days; by failing to specify the location of all rejected wastes in the computerized waste tracking system; by failing to clearly show in the waste tracking system that the material is to be rejected; and by failing to clearly show when the determination was made that the material was to be rejected.
3. R315-3-3.34 of the Rules, which incorporates 40 CFR §262.34 and §265.171 by reference, by failing to mark each container with the date upon which each period of accumulation began; by failing to mark each container with the words “Hazardous Waste;” and by failing to maintain containers closed except when it is necessary to add or remove waste.
4. Condition 3.D.15. of the Permit by failing to ensure that containers be stacked neatly and in a manner that will not cause them to fall or leak.
5. Condition 3.D.13. and Section 5 of Attachment 8 of the Permit by failing to record the location of each container in the container storage areas and to maintain a history of the movement of each container from the time it is placed into the container management areas until it is either incinerated or manifested offsite, and by failing to track all wastes in real time so that their location is known at any time.
6. Condition 3.D.21. of the Permit by failing to place the required warning signs on, or

adjacent to, the infectious waste refrigerated storage unit.

7. Condition 3.D.22. of the Permit by failing to store infectious waste at or below 40 degrees Fahrenheit when it is on-site for longer than seven days.
8. Condition 3.D.23. of the Permit by failing to incinerate infectious waste within 30 days after collection from the generator.
9. Condition 2.D. and Section 3.9.1. of Attachment 1 of the Permit by failing to properly code containers infectious waste.
10. Condition 2.D. and Section 3.4.3. of Attachment 1 of the Permit by failing to use the debris matrix for characterization of debris for incineration parameters.
11. Condition 2.D. and Section 3.3.3. of Attachment 1 of the Permit by failing to factor in specific information specific to the waste stream for characterization of waste that inhibits analysis for incineration parameters; and by failing to document the calculation of how the incineration parameters were determined.
12. Condition 2.D. and Section 3.0. of Attachment 1 of the Permit by failing to clearly document the waste characterization procedure from the WAP which applies to each waste stream accepted at the facility.
13. Condition 2.D. and Section 15.0 of Appendix 1 to Attachment 1 of the Permit by failing to prepare a quality assurance reports as required.
14. Condition 2.D. and Section 5.0 of Attachment 1 of the Permit by failing to document the TCLP room temperature.
15. Condition 3.B.6. and Section 5 of Attachment 8 of the Permit by failing to affix a barcode label to each container and by failing to have a unique barcode on each container.
16. Condition 3.B.6. and Section 5 of Attachment 8 of the Permit by storing wastes which have not yet been accepted at the facility in an area not designated for such storage.
17. Condition 5.A.6. and Section 2.0 of Attachment 14 of the Permit by failing to vent the bulk solids building, shredder, and small sludge tank to the carbon adsorption system during backup operations.
18. Condition 3.B.6. and Section 6 of Attachment 8 of the Permit by failing to maintain a database of all required equipment; by failing to maintain drawings that show the approximate location of each piece of equipment, and by failing to mark all equipment with a tag containing a unique equipment identification number.
19. Condition 2.I. and Section 3.0 of Attachment 5 of the Permit by failing to maintain emergency equipment as necessary to assure its proper operation in time of emergency.
20. Condition 2.J., Sections 4.0 and 6.0 of Attachment 6, and drawing D-034-M-005 of the Permit by failing to maintain a firebreak around the entire facility, and by failing to

maintain the emergency evacuation exits on the south fence of the facility.

21. Condition 2.E. and Section 4.0 of Attachment 2 of the Permit by failing to maintain the required signs on the perimeter fence.
22. Condition 4.D.5. of the Permit by failing to maintain the level of the small sludge tank (T-406) below the compliance limit.

### **OPPORTUNITY FOR HEARING**

This **NOTICE OF VIOLATION** is effective immediately and shall become final unless contested within 30 days of issuance through a request for agency action in accordance with R315-2-14(b) and R315-12-2.2(b) of the Rules. Section 19-6-113(2) of the Utah Code Annotated also provides that violators of the Solid and Hazardous Waste Act or any order, plan, rule or other requirement issued or adopted under the Solid and Hazardous Waste Act may be subject to a civil penalty of up to ten thousand (\$10,000.00) dollars per day for each day of violation for violations that occurred prior to February 25, 2005 and subject to a civil penalty of up to thirteen thousand (\$13,000.00) dollars per day for each day of violation for violations that occurred after February 25, 2005.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005

By: \_\_\_\_\_

Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board